IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.10112 of 1998

Dated: September 19, 2006

Between:

Tagore Educational Society, Regd. No.1210, rep. By its Joint Secretary, Smt. V. Jayasree, Allwyn Colony Cross Road, Kukatpally, Hyderabad.

… Petitioner

And

The District Educational Officer, Rangareddy District, at Secunderabad, and another.

… Respondents

Order:

The petitioner, an educational society, has filed this writ petition aggrieved by the order dated 20-10-1997, passed by the first respondent, granting permission to the second respondent to run a primary school.

2. The petitioner has started a school in the year 1986 after obtaining permission from the competent authority and has been running the same. While so, the second respondent is said to have

started a primary school about 3 feet away the petitioner school, which according to the petitioner, is contrary to Rule 4 (1) (b) of the Rules framed in G.O.Ms.No.1, Education (P.S.2) dated 01-01-1994.

3. Though the orders of the second respondent dated 20-10-1997 are questioned in this writ petition, a copy of the same has not been filed along with the writ petition.

4. Though the writ petition is of the year 1998, no counter affidavit has been filed.

5. As per the rules framed in the said G.O., a broad criterion for establishment of schools is notified by way of guidelines and there is no rigid restriction for grant of permission from one school to another. Having regard to the grounds raised by the petitioner, factual disputes arise for consideration and there is no special reason to entertain this writ petition, by-passing the remedy of appeal available to the petitioner.

6. In the circumstances, I dispose of the writ petition permitting the petitioner to file an appeal before the competent authority against the order dated 20-10-1997 within a period of four weeks from today. On such appeal being filed, the competent authority shall consider the same and pass appropriate orders. No order as to costs.

JUSTICE R. SUBHASH REDDY.

September 19, 2006
MRR